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Hearing Date: March 15, 2023

Hearing Time: 10:00 A.M.

Objection Deadline:

February 28, 2023

Objection Time: 11:59

P.M.

Attorneys for Koch Industries, Inc.

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff
Investment Securities LLC and the Chapter
7 Estate of Bernard L. Madoff,

Plaintiff,

v.

KOCH INDUSTRIES, INC., as successor in
interest of Koch Investment (UK)
Company,

Defendant.

Adv. Pro. No. 12-01047 (CGM)

**NOTICE OF DEFENDANT KOCH INDUSTRIES, INC.'S
REQUEST FOR CERTIFICATION OF DIRECT APPEAL**

PLEASE TAKE NOTICE that on **March 15, 2023 at 10:00 a.m.**

Defendant Koch Industries, Inc. (“Defendant”) will move before the Honorable Cecilia G. Morris, United States Bankruptcy Judge, at the United States Bankruptcy Court, 355 Main Street, Poughkeepsie, New York 12601, for certification of the Order entered on November 30, 2022 (the “Order”), ECF No. 122, following the November 21, 2022 Memorandum Decision Denying Defendant’s Motion to Dismiss (the “Decision”), ECF No. 118, for direct appeal to the United States Court of Appeals for the Second Circuit pursuant to 28 U.S.C. § 158(d)(2) and Federal Rule of Bankruptcy Procedure 8006(f) (the “Motion”).

PLEASE TAKE FURTHER NOTICE that objections, if any, to the relief requested in the Motion shall (i) be in writing; (ii) conform to the Federal Rules of Bankruptcy Procedure and the Local Rules of the United States Bankruptcy Court for the Southern District of New York; (iii) specify the name of the objecting party and state with specificity the basis of the objection(s) and the specific grounds therefor; (iv) be filed in accordance with the electronic filing procedures for the United States Bankruptcy Court for the Southern District of New York, with proof of service and a courtesy copy delivered to the Chambers of the Honorable Cecelia G. Morris, One Bowling Green, New York, New York 10004; and (v) be served upon counsel to Koch Industries, Inc., Orrick, Herrington & Sutcliffe LLP, 1152 15th Street, N.W., Washington, D.C. 20005, Attn: Jonathan P. Guy,

jguy@orrick.com, with a copy to James W. Burke, jburke@orrick.com, so as to be received no later than 11:59 p.m. on February 28, 2023 or such other date as agreed to by Defendant.

PLEASE TAKE FURTHER NOTICE that Notice of the Motion will be provided by U.S. Mail, postage prepaid, or email to all parties to this adversary proceeding. Defendant submits that no other or further notice is required.

Respectfully submitted,

/s/ Jonathan P. Guy

Jonathan P. Guy

James W. Burke (admitted *pro hac vice*)

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January 29, 2023